

6. Barnes, at all times relevant, has been an "employee" as that term is defined by 42 U.S.C. §2000e(f) .

7. Barnes satisfied his obligation to exhaust his administrative remedies having timely filed U.S. Equal Employment Opportunity Commission Charge No. 470-2019-02758 alleging race discrimination. Barnes received his Notice of Suit Rights and timely files this action.

8. All events pertinent to this lawsuit have occurred in the legal environs of the Southern District of Indiana, thus venue in this court is proper.

IV. Factual Allegations

9. Barnes, who is African-American, was hired by the Defendant in or about March 2018 as a Production Floor Supervisor for 2nd and 3rd Shift. He was paid a salary of \$59,000 per year, with an annual bonus and insurance benefits.

10. At all times relevant, Barnes met Defendant's legitimate performance expectations.

11. On or about October 9, 2018, Barnes called the authorities on himself to report an incident of domestic violence involving his wife. Barnes spent a night in jail regarding the issue. Barnes spoke with his supervisor, Adam Riggs ("Riggs"), who is Caucasian, about the matter and the fact that he wanted to take a leave of absence to work through the issues with his wife.

12. Defendant gave Barnes the rest of the week off – through Friday - October 12, 2018 and told him to call by October 12th to update the Defendant. Mr. Barnes' wife called Riggs several times – including at 2:15 p.m. on October 10, 2018, to update the Defendant as to what was going on and she tried calling several other times; however, no one for the Defendant returned any of her calls

13. Barnes was terminated from his employment on October 10, 2018 – even though he was told that he as designated as and entered into Defendant’s system that he “voluntarily resigned” – which was not the case.

14. Barnes’ wife went to the Defendant’s facility on October 12, 2018. She had a meeting with Riggs, Kourtney Pierson and Roger Pierson, who are both Caucasian. She was told that the Defendant had to terminate Barnes because he was charged with domestic violence and they “don’t condone that type of behavior.”

15. In or about March 2019, Barnes learned that a Caucasian co-worker, who held the same position as Barnes and whose wife worked for the Defendant, committed domestic violence – potentially at the Defendant’s facility.

16. This domestic violence occurred in January 2019 and the similarly-situated Caucasian employee has current charges pending. However, the similarly-situated Caucasian employee has not been terminated by the Defendant.

17. Barnes has been discriminated against based on his Race, African-American, in violation of Title VII of the Civil Rights act of 1964, as amended.

V. Causes of Action

Count I. - Title VII – Race Discrimination Claims

18. Barnes hereby incorporates by reference paragraphs one (1) through seventeen (17) of his Complaint.

19. Barnes was discriminated against and terminated based on his race, African-American.

20. Defendant’s actions are in violation of Title VII of the Civil Rights Act of 1964.

21. Defendant's actions were willful, intentional, and done with reckless disregard for Barnes's civil rights.

22. Barnes has suffered injury as a result of Defendant's unlawful actions.

REQUESTED RELIEF

WHEREFORE, Plaintiff, Melvin Barnes, by counsel, respectfully requests that this Court find for Plaintiff and:

1. Permanently enjoin Defendant from engaging in any employment policy or practice that discriminates against any employee on the basis of their race;
2. Order that the Plaintiff be awarded back pay, lost wages, including fringe benefits, with related monetary benefits and interest thereon, absent Defendant's unlawful acts;
3. Reinstate Plaintiff to his former position or award front pay in lieu thereof;
4. Award the Plaintiff compensatory damages, consequential damages, emotional distress damages, lost wages and benefits, and medical expenses in an amount sufficient to compensate Plaintiff for the damages caused by the Defendant's wrongful actions;
5. Award the Plaintiff punitive damages;
6. Award the Plaintiff his attorney fees, litigation expenses, and costs incurred as a result of this action;
7. Award the Plaintiff pre- and post-judgment interest on all sums recoverable; and
8. Grant all relief available under the statute(s) for which this action is brought and any other relief as may be just and proper.

Respectfully Submitted,

s/Kyle F. Biesecker

Kyle F. Biesecker

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DEMAND FOR JURY TRIAL

The Plaintiff, Melvin Barnes, by counsel, respectfully requests a jury trial as to all issues deemed so triable.

Respectfully Submitted,

s/Kyle F. Biesecker

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